

ATTORNEYS FOR ANIMALS, INC.

Respectfully submits the following position on:

HB 4478

BILL NUMBER:

HB 4478 (Kosowski) Civil procedure; personal protection orders; acts that may be enjoined; include harming animals owned by petitioner. Amends sec. 2950 of 1961 PA 236 (MCL 600.2950).

POSITION:

Support

EXPLANATION OF THE POSITION:

This bill is important in terms of the number of animals living in households, their importance to families, and the well-established Link or connection between animal abuse and domestic violence. Consider:

- Domestic violence involves a range of controlling behaviors including physical, emotional, sexual and economic maltreatment, isolation, blaming, intimidation, and threats. A growing body of research indicates that a significant number of individuals who abuse their partners also abuse their pets as part of this repertoire of controlling behaviors. (*Simmons and Lehmann 2007*)
- Upwards of 71% of victims in DV shelters report that their abuser harmed, killed or threatened family pets. (*Ascione, Weber & Wood 1997*)
- Fear for household animals' welfare is a significant barrier preventing or delaying abuse victims escaping the situation. Twelve independent surveys have reported that between 18% and 48% of battered women have delayed their decision to leave, or have returned to their batterer, out of fear for the welfare of their pets or livestock. (*Ascione 2007*)
- Pet abuse is a unique form of abuse because it harms both the human and the animal. Witnessing pet abuse may cause varied and long lasting emotional trauma in domestic violence survivors. Animal abuse can trigger feelings of guilt, anger, shame and fear, all of which fall under the umbrella of emotional abuse. (*Faver & Strand 2007*)

The rationale for amending the law and the court form used to obtain personal protection orders, is illustrated clearly by the numbers of animals potentially living in violent family situations. The 2015-16 statistics compiled by the American Pet Products Association (which do not including livestock other than horses) indicate:

- 128.8 million US households own a pet
 - includes 97.3 million households with cats or dogs
 - 312.1 million total pets owned
 - includes 85.8 million cats and 77.8 million dogs
- (http://americanpetproducts.org/press_industrytrends.asp)

HB 4478 acknowledges the empirically based Link between domestic violence and animal abuse by allowing petitioners with an ownership interest in an animal to seek safety provisions for those pets in their personal protection orders. This legislation places the State of Michigan on

par with 28 other states, the District of Columbia and Puerto Rico that have enacted legislation that includes provisions for animal safety in domestic violence protective orders since 2006.

Significantly, Michigan's legislation would have maximal reach, as the law broadly defines "ownership interest" to include those informal pet arrangements where the petitioner may not have a *per se* property right in the animal. This is especially important in the family context, where technical property rights in a shared household pet may be difficult for a court to ascertain in the context of a Personal Protection Order proceeding. We note that the court is not determining ownership rights, but is determining who may possess the animal based on the allegations of the petitioner seeking the protection order.

Thus, for the reasons stated above, Attorneys for Animals supports the passage of HB 4478 as a critical step forward in enhancing Michigan's protective laws for domestic abuse victims—both human and non-human alike.

ADOPTED BY THE BOARD OF DIRECTORS, ATTORNEYS FOR ANIMALS

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